IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE HARUN-UL-RASHID

THURSDAY, THE 18TH OCTOBER 2007 / 26TH ASWINA 1929

Mat.Appeal.No. 44 of 2007()

AGAINST THE ORDER IN IA 698/04 & 699/04 IN OP.1017/2003 of FAMILY COURT, THIRUVALLA

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PETITIONER: APPELLANT/1ST PETITIONER:

K.T. JACOB, AGED 74 YEARS,
KOCHUPURAYIL, J.P. VILLA, CHENNEERKARA VILLAGE,
KOZHENCHERRY TALUK.

BY ADV. SRI.VINOY VARGHESE KALLUMOOTTILL

RESPONDENTS: RESPONDENT:

ANIE THOMSON,
KOCHUPURAYIL, J.P. VILLA, KOZHENCHERRY TALUK,
PRESENTLY RESIDING AT VADAKKE VEEDU,
MANKULAM KIZHAKKE MURI, PATHANAPURAM P.O.,KOLLAM.

BY ADV. SRI.T.S.JOHN
SRI.M.S.RADHAKRISHNAN NAIR

THIS MATRIMONIAL APPEAL HAVING BEEN FINALLY HEARD ON 18/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

KURIAN JOSEPH & HARUN-UL-RASHID, JJ.

Mat.Appeal No.44 of 2007

Dated this the 26th day of September, 2007

O R D E R

Kurian Joseph,J.

Both parties are present. After having extensively talked to the parties and their respective counsel the following settlement has been arrived at.

1. Sri.Jacob submits that he has property having a total extent of 36 cents including the residential house and another small house. Out of the 36 cents, it is submitted that, 15 cents is now mortgaged to Chenneerkara Co-operative Society. It is submitted that he has no objection in the respondent clearing the liability in respect of the said land and the property will be transferred in favour of the respondent Smt.Annie Thomson.

2. It is also agreed by Sri.Jacob that excluding the 9 cents wherein the residential house of the appellant is situated, the rest 12 cents including the small house can be transferred in favour of Sandy J.Thomson.

In order to work out the above arrangements the following directions are issued:-

(i) The appellant will transfer the 12 cents and the small house

in the name of Sandy J.Thomson within a period of two weeks from today.

(ii) The respondent is permitted to clear the liability by availing any eligible benefits under any settlement scheme in the Chenneerkara Co-operative Society, No.96. The appellant shall extend all co-operation. On clearing such liability the said extent of 15 cents of property shall be transferred in the name of the respondent within another ten days.

(iii) We make it clear that it will also be open to the respondent to get the property transferred in her name along with the above mentioned liability, in which case the appellant shall transfer the property in favour of the respondent within two weeks from today.

(iv) We make it clear that the pendency of the execution proceedings before the Family Court shall not stand in the way of the above transactions being effected.

Post the appeal for further orders on 18-10-2007.

Hand over.

(KURIAN JOSEPH, JUDGE)

(HARUN-UL-RASHID, JUDGE)

ahg.